1950.

K

File No. B.L.R.C. Bom 50

Legal Deptt.

B BRANCH

Subject:— A Bill to amend the Bombay Land Revenue Code 1879

L.A. Bill No. ~~XXX~~ of 1950

Bom. Act No. ~~XXXII~~ of 1950

File No. B. Land Revenue Code/50

Gen. 194 e.

806-B

A requisite draft Bill is sent herewith.

2. As the power to constitute districts, talukas and mahals is given under section 7 of the Code, the appropriate place to insert the amendment now would be after that section. If the power is taken under section 7A, it should be exercised by the State Government as such power is to be exercised by the Government under section 7 constituting talukas or districts.

3. The said section does not contain power to alter the limits of a mahal. The necessary amendment is therefore inserted in section 7.

4. The subject matter of the Bill falls under entry 18 in List II in the Seventh Schedule of the Constitution of India. The Bill does not require recommendation of the Governor under article 207(3) of the Constitution of India. As the Bill does not fall under any of the entries in Seventh Concurrent List, it need not be reserved for the consideration of the President.

5. The R.D. should attach a suitable Statement of Objects and Reasons.

Sd/.....1/3.

Additional Secretary to Government.

U.O. to R.D., No. 2985, dated the 2nd March 1950.

DTR.

9/6.

Sc.

27/417

5. Legal Department.

The proposal in Bill No. II of 1924 was to insert a new section 121A to empower the Collector to alter new boundaries and then to constitute a new village. The section was proposed to be inserted in chapter IX which relates to the settlement of boundaries. Section 121 which occurs in the same chapter provides that the settlement of boundaries under the chapter in determinations of the rights of the Landholders on either side of the boundary. It was, therefore, necessary to provide in new section 121A that no order of the Collector shall be deemed to affect any subsisting interest. In the present bill the provision is being made in chapter II which already provides for the alteration of the limits of other revenue districts. The chapter II nowhere provides that such alteration will be determination of any rights. The proviso which was proposed to be added in section 121A in 1923 is not necessary.

The view taken by R.D. is not correct.

Sd...../-
Additional Secretary to Government.

U.R. to R.D.No. 4667, dated the 5th April 1930.

DNR.
9/6.

5a.

IMMEDIATE. 7 No. 170-L.
Legal Department,
Council Hall, Poona 24th October 1950.

From

Shri J.R.Dhanandhar,

Additional Secretary to the Government of Bombay,

Legal Department.

To

The Secretary to the Governor of Bombay.

Subject:- The Bombay Land Revenue Code(Amendment) Bill, 1950.

Sir,

With reference to article 200 of the Constitution of India, I am directed to forward herewith for the assent of His Excellency the Governor the authentic copy of the Bombay, Land Revenue Code (Amendment) Bill, 1950, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 26th September 1950 and the 10th October 1950, respectively.

2. The subject-matter of the Bill falls under entries 18 and 45 in List II in the Seventh Schedual to the Constitution of India. As the Bill does not relate to any matter enumerated in the Concurrent Legislative List, it is not necessary to reserve the Bill for the consideration of the President with reference to article 254(2) of the Constitution of India.

3. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

4.....

4. I also forward herewith seven one copy of each of the

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.	*	Items Nos.1 2 and 4
2. Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.	*	and two copies
3. Bill as read for the third time and passed by the Bombay Legislative Council.	*	of item No.3
4. Extracts from the proceedings of the Bombay Legislative Assembly dated the 26th September 1950 and of the Bombay Legislative Council dated the 10th October 1950.	*	of the papers noted
	*	in the

margin. The Bill was not referred to a Select Committee.

Yours faithfully,

34/....24/10.

Additional Secretary to Government.

Through the Secretary to the Government of Bombay

Revenue Department.

DIR.

9/6.

56.

No. 11. No. G.S. 3268.

From

Shri L.N.Nadkarni, I.C.S.

Secretary to the Governor of Bombay,

To

The Additional Secretary to the Government of Bombay,

Legal Department.

Government House

Bombay(6), October 31, 1950.

Subject: The Bombay Land Revenue Code (Amendment) Bill, 1950.

.....

Sir,

With reference to your letter No. 170-L, dated October 24, 1950, I am to return herewith the authentic copy of the Bombay Land Revenue Code(Amendment)Bill, 1950, with His Excellency the Governor's assent signified thereon.

Yours faithfully,

Sd/.....

Secretary to the Governor of Bombay,.

DIR.

9/6.

Se.

ACTS.

17. Publication of the Bombay Land Revenue Code(Amendment) Act, 1950.

GOVERNMENT OF BOMBAY,

Legal Department,

Resolution No. 15431,

Bombay Castle, 4th November 1950.

Letter to the Secretary to the Governor, No.170-L, dated the 24th October 1950.

Letter from the Secretary to the Governor, No.C.S. 3268, dated the 31st October 1950.

"With reference to your letter No. 170-L, dated October 24, 1950, I am to return herewith the authentic copy of the Bombay Land Revenue Code(Amendment) Bill, 1950, with His Excellency the Governor's assent signified thereon."

RESOLUTION.- The law should be published as Bombay Act No.XXXIII of 1950, in the Bombay Government Gazette dated the 6th November 1950.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindi (in Devanagari script) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Revenue Department with reference to the Memorandum from that Department No. 3628/49-4706-L, dated the 12th June 1950.

By order of the Governor of Bombay,

S.L.CHAUDHARI,

Assistant Secretary to Government.

To—

Copies Extra.

VTR.

9/6.

36.

L. A. BILL No. XXX OF 1950.

A Bill to amend the Bombay Land Revenue Code, 1879.

(As read for the third time and passed by the Legislative Assembly on the 26th September 1950.)

Bom. V of 1879. WHEREAS it is expedient to amend the Bombay Land Revenue Code, 1879, for the purpose hereinafter appearing; It is hereby enacted as follows :—

Short title. 1. This Act may be called the Bombay Land Revenue Code (Amendment) Act, 1950.

Bom. V of 1879. Amendment of section 7 of Bom. V of 1879. 2. In section 7 of the Bombay Land Revenue Code, 1879 (hereinafter called the said Act), the following shall be added at the end, namely :—

"And each such mahal shall consist of such villages as may from time to time be prescribed by a duly published order of the State Government."

Insertion of new section 7A in Bom. V of 1879. 3. After section 7 of the said Act, the following new section shall be inserted, namely :—

Power of State Government to alter limits of, or to amalgamate or constitute, villages. "7A. The State Government may from time to time by a duly published order alter or add to the limits of any village or amalgamate two or more villages or constitute a new village."

MO-1 Hb 248

STATEMENT OF OBJECTS AND REASONS.

There is apparently no section in the Bombay Land Revenue Code which empowers Government or the Collector to transfer a survey number or survey numbers from one village to another in the same taluka as section 126 appears to refer to lands within the village site or gaothan. Such transfers have been made in the past by notifications under section 7 of the Code or by the Collector's order under section 126, but it is thought that neither section is applicable to lands transferred from one village to another. It is, therefore, considered necessary to insert a new section 7A in the Code, empowering Government to transfer lands from one village to another or amalgamate two or more villages or constitute a new village for the convenience of the revenue administration.

Section 7 of the Bombay Land Revenue Code, 1879, as it stands at present does not empower Government to alter the limits of a mahal. It is, therefore, proposed to amend section 7 in order to confer this power on Government.

MORARJI DESAI.

Dated the 10th June 1950.

Government of Bombay

LEGAL DEPARTMENT

L. A. BILL No. XXX OF 1950.

(As read for the third time and passed by the Legislative Assembly on the 26th September 1950.)

A Bill to amend the Bombay Land Revenue Code, 1879.

[Shri MORARJI DESAI, M.L.A.]

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XXX OF 1950.

A Bill to amend the Bombay Land Revenue Code, 1879.

(As read for the third time and passed by the Legislative Assembly on the 26th September 1950.)

(As read for the third time and passed by the Legislative Council on the 10th October 1950.)

Bom. V of 1879.

WHEREAS it is expedient to amend the Bombay Land Revenue Code, 1879, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Land Revenue Code (Amendment) Act, 1950.

Bom. V of 1879.

Amendment of section 7 of Bom. V of 1879.

2. In section 7 of the Bombay Land Revenue Code, 1879 (hereinafter called the said Act), the following shall be added at the end, namely:—

"And each such mahal shall consist of such villages as may from time to time be prescribed by a duly published order of the State Government."

Insertion of new section 7A in Bom. V of 1879.

3. After section 7 of the said Act, the following new section shall be inserted, namely:—

Power of State Government to alter limits of, or to amalgamate or constitute, villages

"7A. The State Government may from time to time by a duly published order alter or add to the limits of any village or amalgamate two or more villages or constitute a new village."

MO-I Bk Hb 282

Government of Bombay

LEGAL DEPARTMENT

L. A. BILL No. XXX OF 1950.

(As read for the third time and passed by the Legislative Assembly on the 26th September 1950.)

(As read for the third time and passed by the Legislative Council on the 10th October 1950.)

A Bill to amend the Bombay Land Revenue Code, 1879.

[Shri MORARJI DESAI, M.L.A.]

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Registered No. B-1

The

Bombay Government Gazette

PUBLISHED BY AUTHORITY

MONDAY, 6TH NOVEMBER 1950.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Bombay Legislature and Ordinances promulgated and Regulations made by the Governor.

CONTENTS.

	Pages
BOMBAY ACT No. XXXIII OF 1950—An Act to amend the Bombay Land Revenue Code, 1879	487-488

The following Act of the Bombay Legislature having been assented to by the Governor on the 31st October 1950 is hereby published for general information.

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XXXIII OF 1950.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 6th November 1950.)

An Act to amend the Bombay Land Revenue Code, 1879.

Bom. V of 1879.

WHEREAS it is expedient to amend the Bombay Land Revenue Code, 1879, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Bombay Land Revenue Code (Amendment) Act, 1950. Short title.

Amendment of section 7 of Bom. V of 1879.

2. In section 7 of the Bombay Land Revenue Code, 1879 (hereinafter called the said Act), the following shall be added at the end, namely :— Bom. V of 1879.

"And each such mahal shall consist of such villages as may from time to time be prescribed by a duly published order of the State Government."

Insertion of new section 7A in Bom. V of 1879.

3. After section 7 of the said Act, the following new section shall be inserted, namely :—

Power of State Government to alter limits of, or to amalgamate or constitute, villages.

"7A. The State Government may from time to time by a duly published order alter or add to the limits of any village or amalgamate two or more villages or constitute a new village."

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.